

Patent No. 6,846,906  
Appln. No. 09/374,936  
Resubmission of Declaration and POA dated November 5, 2008

PATENTS  
Attorney Docket No. STK-077

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee : Hermann Oppermann et al.  
Patent No. : 6,846,906 Issue Date: January 25, 2005  
Application No. : 09/374,936 Confirmation No.: 4340  
Filed : August 16, 1999  
For : MODIFIED PROTEINS AND DNAs OF THE TGF- $\beta$   
SUPERFAMILY, INCLUDING MODIFIED MORPHOGENIC  
PROTEINS

New York, New York  
November 5, 2008

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RESUBMISSION OF ORIGINAL EXECUTED  
DECLARATION AND POWER OF ATTORNEY

Sir:

Applicants resubmit herewith as Appendix A, a copy of the original executed Declaration and Power of Attorney. Applicants submitted the original executed Declaration and Power of Attorney on March 10, 2000.

Applicants note that although they appointed attorneys James F. Haley, Jr., Margaret A. Pierri, Karen Mangasarian and Z. Ying Li to prosecute this application and transact all business in the United States Patent and Trademark Office ("USPTO") in connection with this application, the USPTO record does not reflect this power of attorney.

Patent No. 6,846,906  
Appln. No. 09/374,936  
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Applicants respectfully request that the USPTO record for this patent be amended to reflect the correct power of attorney, *i.e.*, to reflect the names of James F. Haley, Jr., Margaret A. Pierri, Karen Mangasarian and Z. Ying Li.

Applicants also submit herewith a Change of Correspondence Address for the above patent. Applicants respectfully request that the Correspondence Address for this patent be changed to the address associated with Customer No. 1473.

Applicants believe that no fee is required for this re-submission. However, the Director is hereby authorized to charge payment of any additional fees required in connection with this re-submission to Deposit Account No. 06-1075, Order No. 003443-0022-101.

Respectfully submitted,

/ KAREN MANGASARIAN /

---

James F. Haley, (Reg. No. 27,794)  
Karen Mangasarian (Reg. No. 43,772)  
Attorneys for Applicants  
ROPES & GRAY LLP  
Customer No. 1473  
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Fax: (212) 596-9090

Patent No. 6,846,906

Resubmission of Declaration and POA dated November 5, 2008

# APPENDIX A

Docket No. 878-077

Applicant H an Oppermann, et al.

Serial No. 09/374,936 Filed August 16

Receipt is hereby acknowledged of the

1. Transmittal Letter (in duplicate)
  2. Petition for Extension of Time (in duplicate)
  3. Response to Notice to File Missing Parts of Application (in duplicate)
  4. Notice to File Missing Parts of Application
  5. Declaration and Power of Attorney for Patent Application
  6. Checks : \$1,360.00 and \$130.00
- Dated March 10, 2000

Filed in connection with the above case.

COMMISSIONER OF PATENTS  
AND TRADEMARKS

03443.022

Docket No. STK-077

Applicant Herman Oppermann, et al.

Serial No. 09/374,936

Filed August 16, 1999

*Receipt is hereby acknowledged of the*

1. Transmittal Letter (in duplicate)
2. Petition for Extension of Time (in duplicate)
3. Response to Notice to File Missing Parts of Application (in duplicate)
4. Notice to File Missing Parts of Application
5. Declaration and Power of Attorney for Patent Application
6. Checks : \$1,360.00 and \$150.00

Dated March 10, 2000

*Filed in connection with the above case.*

COMMISSIONER OF PATENTS  
AND TRADEMARKS

03443.022

REV. 11/98  
For Other Than A Small Entity

Docket No. STK-077

Examiner : Not Yet Assigned  
Group Art Unit : 1643  
Applicants : Hermann Oppermann, et al.  
Application No. : 09/374,936  
Filed : August 16, 1999  
For : MODIFIED PROTEINS AND DNAs OF THE TGF- $\beta$   
SUPERFAMILY, INCLUDING MODIFIED  
MORPHOGENIC PROTEINS

Hon. Assistant Commissioner  
for Patents  
Washington, D.C. 20231

New York, New York  
March 10, 2000

TRANSMITTAL LETTER

Sir:

Transmitted herewith: [X] Response to Notice to  
File Missing Parts; [X] Copy of Notice to File Missing  
Parts; [X] Executed Declaration and Power of Attorney; [X]  
Petition for Three-Month Extension of Time; to be filed in  
the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[ ] A fee for additional claims is required.

The additional fee has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	* =	X \$ 18 =	\$
INDEPENDENT CLAIMS	-	** =	X \$ 78 =	\$
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM			+ \$260 =	\$

\* If less than 20, insert 20.

TOTAL \$ \_\_\_\_\_

\*\* If less than 3, insert 3.

[ ] A check in the amount of \$\_\_\_\_\_ in payment of the filing fee is transmitted herewith.

[X] The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

[ ] Please charge \$\_\_\_\_\_ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

#### EXTENSION FEE

[X] The following extension is applicable to the Response filed herewith; [ ] \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); [ ] \$380.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); [ ] \$870.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); [X] \$1,360.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); \$1,850.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).

☒ A check in the amount of ☐ \$110.00; ☐ \$380.00;  
☐ \$870.00; ☒ \$1,360.00; ☐ \$1,850.00 in  
payment of the extension fee is transmitted  
herewith.


☒ The Commissioner is hereby authorized to charge  
payment of any additional fees required under  
37 C.F.R. § 1.17 in connection with the paper(s)  
transmitted herewith, or to credit any overpayment  
of same, to Deposit Account No. 06-1075. A  
duplicate copy of this transmittal letter is  
transmitted herewith.

☐ Please charge the ☐ \$110.00; ☐ \$380.00;  
☐ \$870.00; ☐ \$1,360.00; ☐ \$1,850.00;  
extension fee to Deposit Account No. 06-1075. A  
duplicate copy of this transmittal letter is  
transmitted herewith.



James F. Haley, Jr. (Reg. No. 27,794)  
Attorney for Applicants  
Karen Mangasarian (Reg. No. 43,772)  
Agent for Applicants  
c/o FISH & NEAVE  
1251 Avenue of the Americas  
New York, New York 10020  
Tel.: (212) 596-9000  
Fax.: (212) 596-9090

I Hereby Certify that this  
Correspondence is being  
Deposited with the U.S.  
Postal Service as First  
Class Mail in an Envelope  
Addressed to: ASSISTANT  
COMMISSIONER FOR  
PATENTS  
WASHINGTON, D.C. 20231 on

  
Mark 10/2000  
Signature of Person Signing



DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MODIFIED PROTEINS AND DNAs OF THE TGF- $\beta$  SUPERFAMILY, INCLUDING MODIFIED MORPHOGENIC PROTEINS

the specification of which

(check ☐ is attached hereto  
one)

☒ was filed on August 16, 1999

as Application Serial No. 09/374,936

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also

identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			<u>Priority Claimed</u>	
			<input type="checkbox"/>	<input type="checkbox"/>
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	Yes	No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/103,418</u>	<u>October 07, 1999</u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status) (patented, pending, abandoned)</u>
<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status) (patented, pending, abandoned)</u>

As a named inventor, I hereby appoint the following attorneys or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

James F. Haley, Jr., (Reg. No. 27,794)

Margaret A. Pierri, (Reg. No. 30,709)

Karen Mangasarian, (Reg. No. 43,772)

Z. Ying Li, (Reg. No. 42,800)

Send correspondence to:

James F. Haley, Jr.

FISH & NEAVE

1251 Avenue of the Americas

New York, New York 10020-1104

Direct telephone calls to:

James F. Haley, Jr.

(212) 596-9000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Hermann Oppermann

First Inventor's signature *Hermann Oppermann*

Feb. 11, 2000  
Date

Residence Medway, MA

Citizenship United States of America

Post Office Address 27<sup>th</sup> Summer Hill

Medway, MA

Full name of second joint inventor Mei-Sheng Tai

Second Inventor's signature *Mei-Sheng Tai*

Feb. 11, 2000  
Date

Residence Shrewsbury, MA

Citizenship United States of America

Post Office Address 47 Monroe Street

Shrewsbury, MA

Full name of third joint inventor John McCartney

Third Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Holliston, MA

Citizenship United States of America

Post Office Address 210 Mellen Street

Holliston, MA

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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the specification of which

(check ☐ is attached hereto  
one)

☒ was filed on August 16, 1999

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and was amended on \_\_\_\_\_  
(if applicable)

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I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

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identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

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			<u>Priority Claimed</u>	
			<input type="checkbox"/>	<input type="checkbox"/>
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	Yes	No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/103,418</u>	<u>October 07, 1999</u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status) (patented, pending, abandoned)</u>
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Full name of first inventor Hermann Oppermann

First Inventor's signature \_\_\_\_\_

\_\_\_\_\_  
Date

Residence Medway, MA

Citizenship United States of America

Post Office Address 22 Summer Hill

Medway, MA

Full name of second joint inventor Mei-Sheng Tai

Second Inventor's signature \_\_\_\_\_

\_\_\_\_\_  
Date

Residence Shrewsbury, MA

Citizenship United States of America

Post Office Address 47 Monroe Street

Shrewsbury, MA

Full name of third joint inventor John McCartney

Third Inventor's signature John McCartney 12/15/00  
Date

Residence Holliston, MA

Citizenship United States of America

Post Office Address 210 Mellen Street

Holliston, MA